

**Department of Consumer Affairs**

Position Duty Statement

HR-041 (new 06/2022)

<b>Classification Title</b>	<b>Board/Bureau/Division</b>
Associate Governmental Program Analyst	Board of Psychology (BOP or Board)
<b>Working Title</b>	<b>Office/Unit/Section/Geographic Location</b>
Enforcement Analyst	Enforcement Unit / Sacramento
<b>Position Number</b>	<b>Effective Date</b>
601-110-5393-xxx	

**General Statement:** Under the supervision of the Enforcement Program Manager (Staff Services Manager I [SSMI]), the Associate Governmental Program Analyst (AGPA) performs with independence the most complex analytical duties within the Enforcement Unit, including the analysis of consumer and patient complaints alleging negligent or incompetent treatment or care by providers licensed by the Board of Psychology. The AGPA frequently interprets laws, rules and regulations including, but not limited to, the Business and Professions Code, Health and Safety Code, Code of Civil Procedures, Penal Code, Government Code, and the Americans with Disabilities Act. Specific duties include, but are not limited to, the following:

**A. Specific Activities [Essential (E) / Marginal (M) Functions]**

**75% (E) Complaint Review & Analysis**

- 20% Independently conducts complaint investigations of incoming consumer and patient complaints, including the review, evaluation, and analysis of confidential and classified conviction data obtained from the Department of Justice (DOJ), arrest reports, court documents, mal-practice award notifications, criminal record case files, and other related documents and evidence from consumers, law enforcement agencies, other Boards, licensees, etc. Works closely with investigators to provide direction, approve investigative plans, authorize additional investigative hours, evaluate evidence, interview witnesses, and secure patient records. Requests additional information from complainant(s) and subject(s) of complaint as necessary.
- 20% Independently prepares comprehensive investigation reports, which show findings and evidence collected during investigation. Composes timely complex and sensitive correspondence to document violations of the Psychology Licensing Laws. Applies policies, procedures, and regulatory requirements to make critical determinations regarding violations of the law. Using the disciplinary guidelines and considering various factors of mitigation and aggravation, makes recommendations to the Enforcement Program Manager Coordinator, Executive Officer, and Assistant Executive Officer regarding case disposition and the appropriate level of discipline for approval, denial or revocation.

- 10% Determines merit for cases requiring formal field investigation, prepares requests for service and transmits cases for formal field investigation and/or consultant review. Determines if case warrants review by the Office of the Attorney General. Prepares and provides supporting documents as necessary (e.g., certification of licensure, certification of costs, etc.) for attorney general.
- 5% Assists the Division of Investigation with development of investigative plan. Consults with Dept. of Consumer Affairs' (DCA) Office of Legal Affairs, investigators, expert consultants, and the Office of the Attorney General (OAG), regarding complex enforcement matters.
- 5% Reviews accusations, statements of issues, proposed decisions, stipulations, and other related documents, for content and determines compliance with the Board's laws, regulations and disciplinary guidelines.
- 5% Prepares analysis of substantive issues for Board consultant review. Confers with Board consultants regarding case management. Authorizes expert assignment and additional expert review hours. Tracks and maintains monthly statistics of a large caseload in an independent and efficient manner to ensure timely processing in compliance with Board policies and procedures.
- 5% Prepares cases for Board mail ballots or Board meetings. Prepares final decisions and orders for transmittal to the Attorney General, Office of Administrative Hearings and respondent's legal counsel.
- 5% Prepares all statistical data needed for Board Meetings, Sunset, Annual Report, and Performance Measures.

**20% (E) Administrative**

- 10% Responsible for formal disciplinary process. Set deadlines when cases are sent to the Office of the Attorney General for formal discipline. Consults with Deputy Attorney General (DAG) to ensure that the Board's Consumer Protection Enforcement Initiative (CPEI) are met or exceeded. Provide expertise to the DAG relating to the Board's laws and regulations and enforcement process, assist deputy attorney general with the preparation of technical language and make recommendations for case disposition. Ensure deadlines for filing Accusations are met. Once filed, track the filing of Notices of Defense and request hearing dates. Once a hearing date has been set, review case to determine if case should be considered for settlement and, if so, forward case with settlement recommendations to Enforcement Program Manager. Ensure that accurate cost data is provided enabling the board to recover costs. Set dates for follow up with Deputy Attorney General to ensure terms of settlement were offered to Respondent.
- 5% Provides verbal and written responses to complex inquiries regarding enforcement matters. Typically, this involves high-level correspondence (DCA Executive Office, other control agencies and/or law enforcement agencies) with regard to open case-related matters, requests for closed case records, and requests for analysis of various legal and regulatory interpretations and positions of the Board.
- 5% Prepare for, travel to, and represent the Board at statewide Administrative Appeal Hearings. Presents facts and evidence to support Board's decision. Testify at hearings, criminal proceedings on the results of the Board's investigations.

**5% (E) Citation & Fine Program**

Determines merit for issuance of an administrative citation and/or fine (Cite and Fine Program). Verifies evidence to substantiate violations and applies appropriate Psychology Licensing Laws. Prepares and issues citation order, responds to telephone and written requests for information from respondents and attorneys, and tracks citation in enforcement tracking system. Schedules and participates in informal hearings and coordinates citation appeal cases with the Office of the Attorney General for administrative proceedings.

**B. Supervision Received**

The AGPA reports directly to and receives assignments from the Enforcement Program Manager (Staff Services Manager I), but may also receive direction and assignments from the Enforcement Coordinator (Associate Governmental Program Analyst) and/or the Executive Officer.

**C. Supervision Exercised**

None.

**D. Administrative Responsibility**

None

**E. Personal Contacts**

The AGPA will have regular direct contact with licensees, psychologists, members of the Board of Psychology, and various DCA employees and other agencies. Additionally, the AGPA will have regular written and oral communications with Investigators from the Medical Board of California and other investigative agencies, Deputy Attorney's General, the Governor's Office, and consumers. The information exchanged will include sensitive/confidential information as well as information available through the Freedom of Information Act. On a daily basis, the AGPA will respond to inquiries from the general public by telephone, e-mail or in writing. Works directly with the Board's executive and enforcement staff, DCA Legal Staff and other state and law enforcement agencies including the Attorney General's office. The AGPA is required to maintain a positive, professional working relationship with members of the industry, other state and federal agencies, persons and entities regulated by the Board, and staff from the Board and the Department of Consumer Affairs.

**F. Actions and Consequences**

Failure to complete assigned casework in a timely manner, or inefficiency in conducting investigations, may result in significant patient harm, or may delay licensing which costs the Board of Psychology loss of licensing fees and loss of income for a person who cannot be licensed until the investigation is completed. An inadequate investigation may result in allowing a violation of the law (administrative) to go undetected or unpunished. All of the cases being investigated affect the health and safety of consumers. Failing to investigate cases properly would result in consumers having no recourse regarding negligent and harmful psychological treatment. Failing to follow through with the administrative disciplinary process could result in psychologists found to have violated the law to not be prosecuted fully and left to harm consumers. Failure to properly ensure completion of Board responsibilities could result in the Board's inability to fulfill its mission-critical activities related to the regulation of this profession for the protection of the consumer public, and may result in discredit to the Board.

**G. Functional Requirements**

The incumbent works 40 hours per week in an office setting, with artificial light and temperature control. The incumbent may spend 75%-85% of the working day using a personal computer. The position requires bending and stooping to retrieve files, walking, and occasional light lifting, up to 20-25 pounds. The ability to use a personal computer and telephone is essential. The incumbent must possess good writing and communication skills, use good judgment in decision-making, exercise creativity and flexibility in problem identification and resolution, manage time and resources effectively, work cooperatively with others as a member of a team, and be responsive to management needs, and represent the Board in a professional manner. Regular attendance and punctuality are an essential part of this job. Ability to professionally and courteously handle rude and irate calls/correspondence from the licensees and the public is essential.

**H. Other Information**

The incumbent must possess good communication skills, use good judgment in decision-making, exercise creativity and flexibility in problem identification and resolution, manage time and resources effectively, and be responsive to Board management needs. The incumbent must also use strong interpersonal skills to support the achievement of the goals and objectives of the Executive Officer and the Board and maintain good working relationships with staff and management. This position has access to confidential or sensitive information related to consumers of Board services and/or employees of the Board. The individual occupying this position is expected to maintain the privacy and confidentiality of such information at all times. Travel may be required. If travel is required, it will be by commercial carrier or automobile whichever method is in the best interest of the State. Travel may be for one or several consecutive days.

*Fingerprinting*

This position has access to Criminal Offender Record Information (CORI). Title 11, Section 703(d) of the California Code of Regulations requires criminal record checks of all personnel who have access to CORI. Pursuant to this requirement, incumbents in this position will be required to submit fingerprints to the Department of Justice and be cleared before hiring.

*Conflict of Interest*

This position is subject to Title 16, section 3830, of the California Code of Regulations, the Department of Consumer Affairs' Conflict of Interest Regulations. The incumbent is required to submit a Statement of Economic Interests (Form 700) within 30 days of assuming office, annually by April 1<sup>st</sup>, and within 30 days of leaving of office.

**I have read and understand the duties listed above and I can perform these duties with or without reasonable accommodation.** (If you believe reasonable accommodation is necessary, discuss your concerns with the hiring supervisor. If unsure of a need for reasonable accommodation, inform the hiring supervisor, who will discuss your concerns with the Health & Safety analyst.)

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Employee Signature

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Date

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Printed Name

**I have discussed the duties of this position with and have provided a copy of this duty statement to the employee named above.**

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Supervisor Signature

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Date

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Printed Name

**Revised: 6/7/2022**